

01-L-1358

Entered - 4-22-99 - sb  
CL - 99L0245 - ALEXIS HOLMES

CLAIM OF: **PHILIP BRACHMAN**  
4279 Wickersham Drive  
Atlanta, Georgia 30327

For damages alleged to have been sustained when a City vehicle  
destroyed his trash container on March 22, 1999 at 4279 Wickersham  
Drive.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

Standing committees  
AGENDA

ADVERSE REPORT SEP 17 2001  
CITY COUNCIL

## ADVERSE REPORT

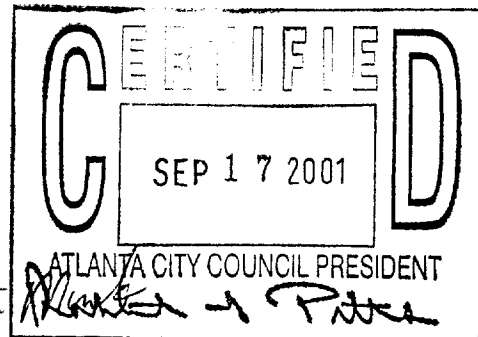
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety

CHAIR: 9/17/01

Sherry Doss  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]



CERTIFIED  
SEP 17 2001  
[Signature]  
DEPUTY MUNICIPAL CLERK



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

September 19, 2001

Philip Brachman  
4279 Wickersham Drive  
Atlanta, Georgia 30327

**01-R-1358**

Dear Mr. Brachman:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 17, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0245

Date: 8/13/01

Claimant/Victim PHILIP BRACHMAN

BY: (Atty)

Address: 4279 Wickersham Drive Atlanta, Georgia 30327

Subrogation: Claim for Property damage \$ 28.00 Bodily Injury \$

Date of Notice: 4/14/99 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 3/22/99 Place: 4279 Wickersham Drive

Department Public Works Division: Solid Waste

Employee involved Disciplinary Action:

**NATURE OF CLAIM:** The claimant sustained damages when a City vehicle destroyed his trash container. However, the claimant has informed the City that his claim was previously resolved, and he has received a check from the City in the above amount.

INVESTIGATION:

Statements: City employee Claimant X Other Written Oral X

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 08-14-01

Committee Action: Council Action

RCS# 3123  
9/17/01  
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1358

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE